

Subject: Fwd: Thank You!
From: Donald Duckworth
Date: 11/06/2016 03:24 PM
To: Donald R Duckworth
BCC: kim.sudhalter@urbanlegendpr.com

As I've reported over the past year, it appears that the City of LA is on the verge of mandating that private property owners shoulder the responsibility of sidewalk repair adjacent to their properties as required by State Law. There may be a short grace period in advance of some kind of enforcement during which the City will reimburse for at least a portion of the costs. Many BIDs, including ours, are attempting to lobby for property owners to use smaller, less expensive contractors of their own choosing to perform the work and still receive reimbursement. Also the BIDs are lobbying for "hold harmless / indemnification" from the City for assisting property owners in constructing needed sidewalk repairs.

This email is for your information.

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From: **Donald Duckworth** <duckworth.donald@gmail.com>
Date: Sun, Nov 6, 2016 at 10:03 AM
Subject: Fwd: Thank You!
To: OMAR PULIDO <OMAR.PULIDO@lacity.org>
Cc: Dennis Gleason <dennis.gleason@lacity.org>, Ted Jordan <ted.jordan@lacity.org>, David Hirano <David.Hirano@lacity.org>, Laura McLennan <Laura.McLennan@lacity.org>, Andrew Thomas <Andrew@thewestwoodvillage.com>, Jessica Lall <jessica@southpark.la>, Kevin James <kevin.james@lacity.org>, Miranda Paster <miranda.paster@lacity.org>, Miki Payne2 <miki@hbdrollinger.com>, Anna Kozma <anna.kozma@lacity.org>

It was great to spend some time with you and catch up on some "dangling issues," Omar. This email will address the proposed City Sidewalk Repair Program.

As we discussed when we were with Councilman Bonin there are a number of important unresolved issues with the proposed Program that require policy adjustment / clarification or continued work. The issues listed below are consistent with concerns expressed by L.A. BID Consortium members in the past and my recent discussions with the group's President Andrew Thomas.

1 - Per last year's public meeting(s) with two City Council Committees and a subsequent meeting with CAO Miguel Santana, the proposed City Sidewalk Repair Program was supposed to allow sidewalk repair projects to be undertaken and at least partially reimbursed by the City beginning in about July 2016. This timeline not been met and no possible revised timeline has been announced.

2 - In addition, the proposed City Sidewalk Repair Program was to allow private property owners to use contractors of their own selection or undertake the work themselves. (Small private contractor / owner costs are typically in the \$10 per sf range for such work.) Instead, the draft Program that was discussed during our recent meeting with David Hirano of the CAO's Office and Ted Jordan of the City Attorney's Office, only seemed to allow for reimbursement if the work was performed by one of a City approved list of contractors, thus probably increasing the costs of the work to the \$20+ per sf range and prohibiting smaller contractors unable to navigate the bidding bureaucracy from participating in the program. This doesn't seem fair, efficient, nor consistent with the direction we heard from the City Council Committee members.

3 - Our BIDs are being exposed to increased liability insurance costs, or at worst insurance cancellation, by current City sidewalk policy that could easily be, and should be, changed or clarified. We requested that the BIDs, or any community non-profit, be "held harmless / indemnified" for their sidewalk repair work that was permitted, inspected, and approved by the City. This is NOT a blanket hold harmless / indemnification, it only relates to specific sidewalk repair project work. This request directly addresses guidance from City Council Committee members that BIDs and other community non-profit organizations be incentivized to help facilitate resolution of the City's broken sidewalk crisis. David Hirano from the CAO's office expressed what seemed to be a possible solution as adding language to the construction permit form. We need an "all hands on deck" partnership in order to successfully resolve the City sidewalk crisis and create revitalized pedestrian oriented districts within the City as CAO Santana said during our meeting with him.

4 - A corollary to the above issue relates to language contained in the standard City contract for BID administration that requires the BIDs to "hold harmless / indemnify" the City for any sidewalk liability. Surely a sidewalk repair carve-out is

appropriate in order to remove policy conflicts. More than that, from a larger perspective, general City liability for sidewalks pre-dates BID formation, so shouldn't BID liability be limited only to circumstances or negligence of its own creation? Wouldn't that be a more fair partnership based upon the nature / history of the parties?

I've taken the liberty of copying David Hirano, Ted Jordan, Andrew Thomas, and Jessica Lall in hopes of continued follow-up and progress on previous meetings. Also Dennis Gleason from CD15 and Kevin James from the Public Works Board have been quite involved in these issues. I'd like to encourage all of us to come together to resolve these important issues, and I believe that mutually satisfactory resolution is within our grasp. It's been awhile and I'm concerned that the passage of time NOT deaden our earlier commitments. Certainly our individual City Council Members' previous guidance has been supportive of some resolution.

Thanks for hearing us out. Let me know as we can assist further in any way.

----- Forwarded message -----

From: **Donald Duckworth** <duckworth.donald@gmail.com>

Date: Thu, Jul 21, 2016 at 5:23 AM

Subject: Thank You!

To: David Hirano <David.Hirano@lacity.org>

Cc: Andrew Thomas <Andrew@thewestwoodvillage.com>

Your follow-up and interest are so appreciated by the Los Angeles BID Consortium community!

My telephone contact, again, is [818-515-2159](tel:818-515-2159).